

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KEITH PAUL BIRD,
Plaintiff(s),

v.

JULIE WILLIAMS, et al.,
Defendant(s).

Case No. 2:24-cv-00120-JAD-NJK

ORDER

[Docket Nos. 40, 61]

The Court ordered Plaintiff to show cause why Defendant Pena should not be dismissed for lack of service. Docket No. 33 at 2. Plaintiff filed a response. Docket No. 40. The Court deferred ruling on the order to show cause to afford Plaintiff the opportunity to file a motion for service on Defendant Pena. Docket No. 42 at 2, 3. Defendants have since filed a notice with Pena's full name and address, *see* Docket No. 58; *see also* Docket No. 59 (under seal), and Plaintiff has filed a motion seeking service on Defendant Pena by the Marshals Service, Docket No. 61. Defendants did not file a response to the motion for service.

The Court hereby **GRANTS** the motion for service on Defendant Pena (Docket No. 61) and **DISCHARGES** the pending order to show cause (Docket No. 40). The Court **EXTENDS** the deadline to effectuate service to May 19, 2025. **The Court is not inclined to extend this deadline further.**

The Clerk's Office is **INSTRUCTED** to issue a summons for Christopher Pena and to send Plaintiff a USM-285 form. Plaintiff must complete that USM-285 form with the relevant information, but must leave blank the address for service on Defendant Pena. Plaintiff must send the completed USM-285 form to the United States Marshals Service by April 21, 2025. To ensure the United States Marshals Service can attempt service at the correct address, the Clerk's Office is further **INSTRUCTED** to send a copy of the operative complaint (Docket No. 38), the issued

1 summons, this order, and the sealed address for Defendant Pena (Docket No. 59) to the United
2 States Marshals Service.

3 Within twenty days after receiving from the Marshals Service a copy of the USM-285 form
4 showing whether service has been accomplished, Plaintiff must file a notice with the Court
5 identifying whether Defendant Pena was served. If Defendant Pena was not served and Plaintiff
6 wishes to have service again attempted, a motion must be filed identifying the unserved defendant
7 and specifying a more detailed name and/or address for said defendant, or whether some other
8 manner of service should be attempted.

9 **Failure to comply with the requirements set forth in this order may result in a**
10 **recommendation of dismissal pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.**

11 IT IS SO ORDERED.

12 Dated: April 7, 2025

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Nancy J. Koppe
United States Magistrate Judge
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